

**WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP**

*Intellectual Property Law*  
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DATE: October 9, 2008

TO: Examiner Shawn M. Braden  
TC Art Unit: 3781

Fax No.: (571) 273 8300

FROM: Charles L. Gagnebin III

No. of pages transmitted  
(including this page): 2

Our File: ROCKG-001XX

Time:

Your Ref:

Application No. 10/822,928  
Filing Date: April 13, 2004  
Confirmation No.: 4439

Sent by: Debbi

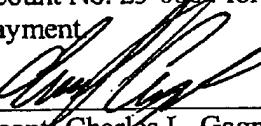
A confirmation copy of this transmission will not be mailed unless the following is checked:    
MESSAGE

PLEASE DELIVER DIRECTLY TO:  
EXAMINER SHAWN M. BRADEN, TEL. (571) 272  
TC ART UNIT NO: 3781

**FOR ENTRY**

Enclosed for filing please find a: Notice of Appeal

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

  
\_\_\_\_\_  
Attorney for Applicant: Charles L. Gagnebin III  
Registration No. 25,467

372829

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Rev 01/07

Application No. 10/822,928  
 Filed: April 13, 2004  
 TC Art Unit: 3781  
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Date: October 9, 2008

Attorney  
 Docket No.: ROCKG-001XX

## NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Rock A. Gagnebin

Entitled: VACUUM-OPERATED TRASH RECEPTACLE

**VIA FACSIMILE**

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated April 10, 2008 of the Examiner finally rejecting claims 1-17.

The Commissioner is authorized to charge payment of \$270.00 to Deposit Account No. 23-0804 for the cost of the Notice of Appeal.

The following checked items are appropriate:

A timely response to the final rejection:

has been filed  is hereby filed

An extension of time to respond to the final rejection:

1.  was requested on \_\_\_\_\_ for \_\_\_\_ month(s);
2.  is hereby requested for 3 month(s) the Commissioner is authorized to charge payment of \$555.00 to Deposit Account No. 23-0804.
3.  is included on the enclosed amendment transmittal form along with authorization to charge \$\_\_\_\_\_ to Deposit Account No. 23-0804 for the extension fee.

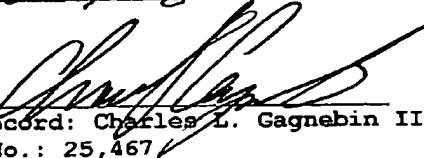
In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Shawn M. Braden, TC Art Unit 3781, Fax No. (571) 273 8300 on 10-9-8.

10/10/2008 HMARZI1 0000005 230804 10822928

01 FC:2253 555.00 DA

  
 Attorney of Record: Charles L. Gagnebin III  
 Registration No.: 25,467

CLG/dkh/372827